

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION AT CINCINNATI**

KYLE MCLENDON	:	Case No. 3:12-cv-364
Petitioner,	:	
-vs-	:	District Judge Timothy S. Black
	:	Magistrate Judge Michael R. Merz
WARDEN, Lebanon Correctional Institution	:	
Respondent.	:	

**DEFICIENCY ORDER**

This case is before the Court on Plaintiff's filing of a Notice of Appeal (Doc. #9) which was not accompanied by the appellate filing fee of \$455.00.

Pursuant to *McGore v. Wrigglesworth*, 114 F. 3d 601 (1997), it is hereby ORDERED that Plaintiff pay the filing fee of \$455.00 not later than May 17, 2013, to the Clerk of this Court, or file by that date with the Sixth Circuit a motion to proceed on appeal *in forma pauperis*.

Failure to pay the filing fee or file a motion to proceed *in forma pauperis* with supporting documents with the Sixth Circuit (1) may result in dismissal of the appeal for failure to prosecute and (2) will result in this Court's assessing the entire filing fee against Plaintiff. If the appeal is dismissed for failure to prosecute, it will not be reinstated despite subsequent payment or filing of the *in forma pauperis* application.

The Clerk shall certify a copy of this Order to the Sixth Circuit Court of Appeals.

May 6, 2013.

*s/ Michael R. Merz*  
United States Magistrate Judge